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ABSTRACT

The accelerating growth of restitution as an institutionalized program in juvenile courts throughout the country is documented. According to studies, the number of formal restitution programs has increased from approximately 15 in 1977 to more than 400 in 1989. Program components include financial restitution, community service, victim-offender mediation, victim services, job information services, work crews, transportation, job slots in the private sector, and subsidies. Many existing programs are increasing their services by, for example, instituting new components such as paid work crews and supervised meetings between victims and offenders. The Restitution Education, Specialized Training, and Technical Assistance (RESTTA) program has contributed to this growth, providing training and technical assistance to representatives of about 1,000 juvenile courts since 1984. Findings from the national evaluation of the major initiative on juvenile restitution operated by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from 1978 through 1982 indicated that restitution is effective not only as a means of compensating victims but also in reducing recidivism. Indications are that the use of restitution will continue to grow. As courts move steadily from a treatment-based orientation to one focused more on offender accountability, restitution will increasingly occupy a more central place in the dispositional process. (16 references) (Author/CML)

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National Trends

in Juvenile Restitution Programming

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Restitution Education,
Specialized Training &
Technical Assistance Program

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The Restitution Education, Specialized Training, and Technical Assistance Program (RESTTA) is designed to promote the use of restitution in juvenile courts throughout the United States. Supported by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, RESTTA is a cooperative effort involving the National Center for State Courts, the Pacific Institute for Research and Evaluation, and the Policy Sciences Group of Oklahoma State University. The Juvenile Justice Clearinghouse at the National Criminal Justice Reference Service operates the National Restitution Resource Center in support of the RESTTA Program.

National Trends

in Juvenile Restitution Programming

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and
Jean Shumway Warner

July 1989

Office of Juvenile Justice and Delinquency Prevention

Terrence S. Donahue
Acting Administrator

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The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: The Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Foreword

The use of restitution as a disposition for juvenile offenders is gaining increased support from jurisdictions across the United States. When properly designed and implemented, restitution programs provide the juvenile justice system with an effective mechanism for holding youths accountable for their actions while responding to the needs of victims.

Throughout most of its existence, the Office of Juvenile Justice and Delinquency Prevention has fostered the development and growth of restitution through direct funding for programs, intensive research, and the provision of training and technical assistance. Since the launching of the National Juvenile Restitution Initiative in 1978 and aided by the Restitution Education, Specialized Training, and Technical Assistance Program (RESTTA) inaugurated by this Administration, the number of restitution programs in this country has increased from a scattered few to between 400 to 500 today.

This monograph, which traces the recent national trends in juvenile restitution programming, further institutionalizes restitution by providing policymakers with information and guidance on program operations. Whether you are developing a new program or seeking to improve the one you have, we are certain you will find this document extremely useful. Additional copies may be obtained from the National Restitution Resource Center, Juvenile Justice Clearinghouse.

Terrence S. Donahue, Acting Administrator

Preface

This monograph documents the accelerating growth of restitution as an institutionalized program in juvenile courts throughout the country. According to studies reported in this monograph, the number of formal restitution programs has increased from approximately 15 in 1977 to more than 400 today. Moreover, many existing programs are increasing their services, instituting, for example, new components such as paid work crews and supervised meetings between victims and offenders. The Restitution Education, Specialized Training, and Technical Assistance (RESTTA) has contributed to this growth, providing training and technical assistance to representatives of about 1,000 juvenile courts since 1984.

The monograph also reports many of the research findings that resulted from the national evaluation of the major initiative on juvenile restitution operated by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from 1978 through 1982. The findings demonstrate that restitution is effective not only as a means of compensating victims but in reducing recidivism as well. Indications are that the use of restitution will continue to grow and, as courts move steadily from a treatment-based orientation to one focused more on offender accountability, it will increasingly occupy a more central place in the dispositional process.

Descriptions of programs and program trends are based mainly upon surveys of juvenile restitution programs by the Policy Sciences Group, Oklahoma State University, conducted under a RESTTA grant in 1986. Findings of these surveys are also detailed in the *National Directory of Restitution Programs*.

This monograph describes the recent evolution of juvenile restitution programs and their operational components and management characteristics; it examines some of the issues related to the effectiveness of restitution with an eye toward a strategy for institutionalizing the restitution reform movement.

Peter R. Schneider, Ph.D.
RESTTA National Coordinator

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INTRODUCTION

During the past 10 years, the juvenile justice system in the United States has experienced a quiet revolution in both its philosophy and its practices. Even as the popular press focused its attention on punishment and harsher treatment of juvenile delinquents, the restitution movement was gradually changing the characteristics of the juvenile justice system.

The restitution movement parallels a shift toward an accountability philosophy for juvenile justice—a philosophy that is competing with the traditional treatment approach as well as with punishment as the favored response to delinquent behavior. During the last decade, juvenile courts have shifted toward a philosophy of justice based on holding juveniles accountable to their crime victims through financial restitution (payment) or performing symbolic restitution (community service work).

Many dispositional alternatives in the juvenile court reflect an individualized justice in which the system either punishes or treats the offender. Restitution differs from other dispositions because its primary purpose is neither to punish nor treat the offender but to seek a fair and proportionate settlement in which the offender can repay the victim. Many believe—and research generally supports the contention—that restitution has substantial therapeutic value for both offenders and victims. It permits the offender to regain self-respect by doing the "right" thing and provides a sense of justice as well as reparation for the victim (Schneider and Bazemore 1985; A. Schneider 1986).

One expert has argued that restitution is the only sanction available to juvenile courts that simultaneously seeks to increase public safety by reducing the likelihood of recidivism, holding juveniles accountable to victims, and increasing the capacity of the juvenile offender to outgrow delinquency and live a law-abiding adult life (Maloney 1987). Because restitution is different from other sanctions it has affected all aspects of the system, including the structure of the court, the tasks and responsibilities of juvenile justice personnel, and the relationship between the court and the community.

The purpose of this monograph is to describe the recent evolution of juvenile restitution programs and their operational components and management characteristics; it also examines some of the issues related to the effectiveness of restitution with an eye toward a strategy for institutionalizing the restitution reform movement.

Descriptions of programs and program trends are based mainly upon surveys of juvenile restitution programs by the Policy Sciences Group, Oklahoma State University, conducted under a RESTTA grant in 1986, although some information is taken from program inventory surveys of 1984 and 1985. An effort was made to reach all juvenile restitution programs in the United States, and completed surveys were received from 370 programs.

Development of juvenile court restitution programs

Although restitution is an ancient concept, its reemergence in the United States in the 1970's was a grassroots movement occurring independently in several parts of the country. A 1977 survey of juvenile courts identified 15 formal juvenile restitution programs in Las Vegas; Seattle; Denver; Rapid City, South Dakota; Oklahoma City and Tulsa, Oklahoma; Santa Fe, New Mexico; Cincinnati, Ohio; and Quincy and Dorchester, Massachusetts (Schneider and Schneider 1977). A few of these programs evolved from federally funded victim-witness programs of the 1970's, but most were locally conceived and developed, and all were locally funded.

The Federal role

In late 1976 the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice began the National Juvenile Restitution Program, initially designed as a small research and development initiative to fund restitution programs in six to eight local jurisdictions. The initiative thereafter expanded to include 85 juvenile court jurisdictions in 26 States, Puerto Rico, and the District of Colum-

bia. With eventual expenditures of more than $20 million, the Federal initiative was a major catalyst for the increased role of restitution in juvenile courts (Schneider, Schneider, Griffith, and Wilson 1982). Restitution has continued to be a major OJJDP priority; under the Reagan administration the restitution initiative became a comprehensive training and technical assistance program termed RESTTA—the Restitution Education, Specialized Training, and Technical Assistance project (A. Schneider, ed. 1985).

Type and number of programs

Estimating the number of juvenile courts with restitution programs is complicated because many occasionally order restitution but have no formal program for developing recommendations or implementing restitution orders. Other courts have emerging programs and are shifting from an ad hoc use of restitution to a formal program. For this monograph a program is considered formal if it offers either financial or community service restitution, has at least one full-time staff person responsible for coordinating the program, and has a restitution manual or a set of policy guidelines.

Data from a 1985 survey of a stratified random sample of 190 juvenile court jurisdictions indicated that 65 percent of those with a population greater than 100,000 had formal restitution programs, and approximately 33 percent of those with populations between 10,000 and 100,000 had formal programs. These estimates, however, are inflated because jurisdictions with programs were undoubtedly more likely to respond to the survey than jurisdictions without programs.

Age of programs

Most restitution programs are of recent origin. Less than 1 percent of all programs ordering financial restitution began before 1960 (see Table 1), and no community service programs began before that date. The oldest program located through the surveys was in Bartow, Florida, where a court has been ordering financial restitution since 1945. In addition, such programs began in Troy, New York, in 1952, and in Media, Pennsylvania, in 1960.

Table 1. Program Components by Date Established

Component	Pre-1960	1960's	1970's	1980's	Total
	%	%	%	%	%
Financial/monetary	1	5	38	57	100
Community service	0	1	35	64	100
Victim-offender mediation	0	0	22	78	100

Data are based on surveys from 363 programs.

The oldest community service programs identified by the surveys were in Pierre, South Dakota, and Salt Lake City, Utah, both of which began in 1965. A community service program was begun in Martinez, California, in 1969. More than half of all current program components were begun during or after 1980 (Table 1).

Program goals

The goals of restitution programs have evolved over the years, but it was not until the early 1980's that accountability was clearly recognized as the predominant philosophy. Of the 15 formal programs identified in the 1977 survey, only 2 (the Seattle Community Accountability Boards and the Oklahoma County Restitution Program) had clearly articulated a program philosophy based on accountability. Some of the early programs were developed by juvenile court judges seeking a nonpunitive alternative to the current "medical" model of juvenile justice; others were developed as an alternative to the diversion approaches also common at that time. The federally funded programs, however, were explicitly intended as an alternative to incarceration for chronic property offenders and for those who had committed serious personal crimes including robbery and assault (Office of Juvenile Justice and Delinquency Prevention 1978).

By 1984, virtually all restitution programs acknowledged that accountability was their major goal, but most also incorporated other attributes of restitutive justice in their

goals statements. In a 1985 survey, programs were asked to rate four goals on a scale of 0 to 10, with 0 indicating "not important," and 10 indicating "extremely important." The results are as follows:

- Holding juveniles accountable for their actions, 9.7
- Providing services to or treating juveniles, 7.9
- Providing services/reparations to victims, 7.6
- Punishing juveniles, 3.3

Of all program administrators responding to the question, 81 percent scored accountability as a 10 on the importance scale.

Program organization

Restitution programs were administered in many different ways: some were private nonprofit organizations under contract with a court; some were an integral part of probation; some formed a separate administrative unit within the court. Most programs were a part of probation or were administered directly by the court (with staff reporting to the judge). Nonprofit organizations administered one-fifth of the programs surveyed.

GENERAL PROGRAM CHARACTERISTICS

Major components

Formal restitution programs involve far more than a simple order for juveniles to make monetary payments to victims or to do community service work (see Table 2). Even though financial restitution and community service are sometimes thought of as two distinct models of restitution, most jurisdictions (75 percent) provided for both within the same program. Programs infrequently relied exclusively on one type: 15 percent had community service programs but no financial restitution, and 10 percent offered only financial restitution.

Many programs also engaged in other activities related to developing or implementing restitution orders (see Table 2). More than 50 percent of the programs provided victim or job information services or sponsored work crews for juveniles who could not obtain other employment. Approximately one-third used victim-offender mediation (although often in only a small percentage of cases) and about the same percentage provided transportation to jobs and arranged for job slots in the private sector. Twenty-five percent provided subsidized employment for at least some juveniles assigned restitution.

The job information services were intended to help youth find and retain employment. The training often included identifying youth skills and ways to communicate that information effectively in a resume. Programs also included seminars on evaluating classified employment ads and other ways to learn of job openings, how to arrange for and have a successful job interview, and developing the skills needed for keeping a job.

Table 2. Major Program Components

Program Component	Number of Programs	Had Component in... 1985	1986
		%	%
Financial restitution	353	90	92
Community service	352	88	92
Victim-offender mediation	342	26	37
Victim services	329	38	49
Job information services	339	44	56
Work crews	337	41	47
Transportation	338	33	36
Job slots in private sector	340	24	32
Subsidies	341	21	25

The number of programs varies depending upon the number that responded to each specific question.

Another job service of restitution programs was assistance with transporting offenders to their places of employment or community service worksites. This sometimes entailed use of a van or agency automobile or arrangements for bus tokens or other vouchers to help with transportation costs.

Many programs developed work crews of juveniles who were too young or unskilled to obtain regular employment or otherwise needed considerable supervision to succeed in their restitution efforts. The work crew tasks ranged widely and included painting and winterizing homes of elderly or handicapped persons, filling orders at an area food bank, cleaning up library grounds and parks, and washing squad cars at local police departments. In some instances this constituted community service work; in others the offenders received payment.

Restitution programs also have developed a range of victim services. Three-fourths of the programs advised victims about restitution decisions, and 66 percent advised the victim of progress on the restitution order. Thirty-seven percent provided closure with the victim after the final restitution requirement was completed. This could entail a face-to-face encounter between the victim and the offender; other times it involved a letter or phone call from the restitution staff notifying the victim that the offender had completed the restitution order. Some courts considered victim contact to be particularly important in those cases in which the juvenile was ordered to perform community service that the victim may or may not have been aware had been completed. Nearly half the programs (45 percent) advised the victims of their rights. A smaller proportion of programs (15 percent) provided victims with such services as counseling, referrals, and transportation. Virtually all programs provided assistance in documenting damages, losses, and injuries.

During the 18-month time period covered by the survey questions, many jurisdictions expanded their programs to incorporate new components (see Table 2). The proportion of programs with financial restitution components increased from 90 to 92 percent, and the percentage with community service increased from 88 to 92 percent. Rapid expansion occurred in victim-offender mediation (from 26 percent to 37 percent of the programs) and in job-related services for juveniles. Victim-offender mediation, however, was often used in only a small proportion of the cases. The general trend was toward the development of more complex, full-service restitution programs offering a variety of services related to the development, implementation, and monitoring of restitution orders.

Staffing and budget

Not all jurisdictions that used restitution had staff specifically assigned to restitution responsibilities. Most programs (61 percent), however, reported having full- or part-time restitution program staff. Supervising restitution requirements was the responsibility of probation officers in more than 60 percent of the programs; 25 percent had restitution counselors who were responsible for the restitutive aspects of a juvenile's sanction.

When restitution was ordered, probation officers supervised the requirements in 80 percent of the programs; in only 10 percent of the programs did a restitution counselor supervise probation requirements.

Most restitution programs did not have a separate budget. Only 21 percent of programs reported that they had a budget, but of those that did, 70 percent had an increase in funds during the previous 18-month period.

Eligibility and target population

Most jurisdictions accepted all types of property offenders into their programs (see Table 3), but fewer programs accepted juveniles who committed personal crimes. Nevertheless, 43 percent accepted juveniles convicted of armed robbery, and more than 60 percent accepted youth convicted of unarmed robbery or assault. Almost 40 percent accepted status offenders, and about half took driving-while-intoxicated cases. During the period of time incorporated in the survey questioning, these courts generally expanded the types of cases accepted. Two percent of programs that had not accepted theft cases did so in 1985, and 5 percent of those that currently accepted these cases (at the time of the survey) did not do so in 1985. This is a net shift of 3 percent toward an enlarged target population.

Table 3. Types of Cases Accepted in Juvenile Restitution Programs, August 1986

Types of Cases Accepted	Do Not Accept... Never did	Did in '85, don't now	Total	Do Accept... Didn't in 85, do now	Always did	Total
	%	%	%	%	%	%
Theft	10	2	12	5	83	88
Burglary	15	1	16	5	79	84
Other property crimes	13	1	14	5	80	85
Armed robbery	55	2	57	3	40	43
Unarmed robbery	37	1	38	3	59	62
Aggravated assault	35	1	36	5	59	64
Other assault	27	2	29	3	68	71
Status offenders	58	3	61	4	35	39
Rape	69	1	70	1	29	30
Driving while intoxicated	47	3	50	5	45	50

Data in the left two columns are for programs which, in 1986, did not take each type of case; data in the right-hand columns are for programs which, in 1986, did accept each type of case.

Table 4. Types of Offenders Accepted in Juvenile Restitution Programs, August 1986

Type of Offender	Accepted into Programs in ... 1/85	8/86
	%	%
Diverted	63	70
Adjudicated first-time offender	76	81
Adjudicated repeat offenders (one prior)	72	77
Adjudicated chronic offenders (two or more priors)	62	68

These data show the proportion of programs that accepted each type of case in January 1985 and August 1986.

More programs took adjudicated first-time offenders than any other type of offender, but a substantial majority also took diverted cases, adjudicated repeat offenders, and even those with two or more prior offenses (see Table 4). These data also show a trend toward expanding the eligible population: the percentage of programs accepting each type of offender increased by 5 to 7 percent over the survey period.

ADMINISTRATIVE PRACTICES

The survey of restitution programs revealed that 48 percent had a policy and procedures manual, and 74 percent had at least some written program guidelines (see Table 5). Most (80 percent) had some kind of case tracking system, which was a manual tracking system in many jurisdictions; 34 percent used a computer for tracking cases. Slightly less than half (49 percent) had regular evaluation, a public information program, staff training, and volunteer help. More than half (57 percent) used a matrix to determine community service hours.

Victim policies

Most jurisdictions developed a wide range of formal procedures regarding interactions with victims. Standard procedures for transmitting restitution payments to victims were reported by 96 percent of the programs. In cases involving multiple victims, procedures addressed how the restitution moneys paid by the offender were to be distributed among victims of the same offense and in what order the victims were to be reimbursed. For example, individual victims might be paid before government entities (such as schools), or the victim of a prior offense might be paid in full before any money was paid to the victim of a later offense. A high percentage of the programs (90 percent) had standard procedures for monitoring payment progress, and 82 percent had specific procedures in the event of noncompliance by the offender. A majority of the programs (75 percent) developed a formal, written payment plan and schedule of payment for each juvenile offender.

Some programs did not order restitution for victims who had already been compensated for their losses by insurance

Table 5. Management Practices and Administrative Tools

Program Practices and Procedures	No. Programs	Had Practice in ... 1985	1986
		%	%
Policy and procedure manual	341	32	48
Policy guidelines	344	61	74
Case tracking	341	70	80
Management information system	332	42	52
Computerized data system	338	24	34
Matrix guide for community service orders	337	47	57
Evaluation	335	38	49
Public information materials	340	37	49
Staff training	341	40	49
Volunteers	337	44	49
Liability insurance	335	43	48

The number of programs varies depending on the number that responded to each specific question.

companies or victims' compensation funds but ordered the juvenile to perform community service instead.

Other programs, however, ordered the youth to earn and pay restitution even when victims were otherwise compensated, and the moneys were deposited in a fund rather than paid to the victim. Such a fund might be a victims' compensation fund (for victims of crimes in which the perpetrator is never identified), or it might be used to subsidize juvenile offenders working in nonpaying positions. Thirty-two percent of the programs had standard procedures for transmitting payments to other funds if the victim had already been compensated.

Community service procedures

Programs also had standard procedures for managing community service restitution. Seventy-three percent had standard procedures for monitoring the progress of juveniles ordered to work community service hours, and 67 percent had procedures for noncompliance. Slightly more than half the programs (57 percent) prepared a formal, written plan and schedule for each youth ordered to perform community service, and 57 percent also had written guidelines for assigning hours by offense or offense history.

Community liaison and system support

To help the community better understand restitution, 49 percent of the programs had prepared public information materials. Such materials included informational brochures, posters, or brief speeches for presentation to local civic and professional groups. Some programs also sponsored recognition luncheons for major employers of juvenile offenders and presented awards to the supervisor-of-the-month and employer-of-the-year. In some communities, a project-of-the-month was selected—a special high-profile community project to which restitution work crews were assigned. Followup press releases covering improvements made by the crews attracted positive attention to the programs. Many restitution programs had appointed one staff person to serve as official liaison to the local chamber of commerce, labor unions, churches, associations, civic clubs, and citizen advisory boards.

Many programs received support and assistance from individuals outside the court. Forty-nine percent of the programs used volunteers in some way. Volunteers assisted with typing, filing, and recordkeeping; prepared public information materials; found community service and private-sector job slots; and assisted work crew supervisors. They also transported juveniles to worksites, assisted with fundraising, and held appreciation events. Some programs reported using professionally trained volunteers to serve as mediators in victim-offender mediation programs.

The support of juvenile court judges was especially important to program success and received a rating of 9.6 by program administrators on a scale of 0 to 10 rating importance. Support of others in the community also received high ratings:

- Chief probation officers, 9
- Parents of offenders, 8.2
- Victims, 8.1
- District attorneys, 7.2
- Court administrators, 7

Slightly lower in importance to program success were the support of local businesses (6.7), police (6.6), public defenders (6.2), availability of outside funds (6.2), private defense attorneys (6.1), State legislators (6.1), State agency officials (6), and county commissioners (5.5).

Recent changes in restitution programming

Recent changes in restitution programs are shown in Tables 6 and 7. These data indicate the type of changes that occurred for each kind of program component during the 18-month period covered by the survey. During this period, many programs improved their financial or community service components (38 and 40 percent, respectively), and a small percentage developed these components (see Table 6). The most rapid change was observed in victim-offender mediation: almost one-third of all victim-offender mediation components that currently exist began between 1985 and 1986. Rapid increases also occurred in the development of job slots for juvenile offenders in the private sector, as 28 percent of all programs with this component initiated it between 1985 and 1986. Development or improvement of program components was far more common than regression or elimination of components. The only component with any substantial retraction was job slots in the private sector, as 10 percent of the programs indicated this aspect had slipped or been eliminated.

Changes in program management practices are shown in Table 7. The most substantial shifts were in the development of restitution manuals and computerized data systems, as about one-third of these were initiated during the 18-month period.

Table 6. Change in Program Components, 1985–1986

Program Component	New	Improved	Regressed or Ended	No Change	Total
	%	%	%	%	%
Financial restitution	2	38	1	59	100
Community service	5	40	3	52	100
Victim-offender mediation	31	21	1	47	100
Other victim services	20	30	1	49	100
Job information seminar program	19	25	5	51	100
Supervised work crew	14	29	4	53	100
Transportation	10	16	6	68	100
Job slots in private sector	28	25	10	37	100
Subsidized employment	17	25	3	55	100

These data show the proportion of jurisdictions which started, improved, or regressed/ended particular program components during the 18-month period covered by the survey.

Barriers to implementation

Fifteen of the juvenile justice jurisdictions surveyed in 1986 did not order any form of restitution; 4 had never used restitution, and 11 had once used it but no longer did.

These program respondents were asked to assess the barriers to the use of restitution, using a 10-point scale of importance in which 10 represented a very important factor and 0 an unimportant factor. Factors rated most important were the following:

- Lack of paid employment, 8.5
- Concern over liability, 7.1
- Lack of unpaid community-service slots, 6.7

Table 7. Change in Program Management Practices, 1985–1986

Program Management Practices	New	Improved	Regressed or Ended	No Change	Total
	%	%	%	%	%
Restitution manual	34	26	2	38	100
Policy guidelines	16	32	1	51	100
Matrix for assessing amounts	15	20	1	64	100
Computerized data system	31	32	0	37	100
Management information system	18	26	1	55	100
Case record and tracking system	12	32	1	55	100
Liability insurance	12	13	7	68	100
Staff training	19	41	4	70	100
Program evaluation	22	28	3	47	100
Public information materials	25	20	4	51	100
Volunteers	10	28	2	60	100

These data show the proportion of jurisdictions which started, improved, or regressed/ended particular program components during the 18-month period covered by the survey.

Lack of staff time (5.2), concern for legal authority to order restitution (5), and lack of skills and expertise (4.8) were rated less important. The least important barrier to implementation of a restitution program was disagreement with the philosophy (1.8). Although these results are interesting, the number of programs responding was too small to draw any definitive conclusions as to predominant barriers to implementation.

Courts that never used restitution rated every possible barrier with a higher-than-average importance score than did those that had used restitution and dropped it as a sanction. Courts in rural areas rated lack of paid and unpaid jobs higher on the importance scale than did courts in urban areas.

ISSUES AFFECTING THE USE AND EFFECTIVENESS OF RESTITUTION

Although restitution programs have made substantial progress in the past decade, the movement has not been without its critics. Some concerns have been largely resolved, but others remain.

Ability to pay

Initially, juvenile justice professionals were skeptical about the willingness of juvenile court judges to order restitution and about the ability of juveniles to pay. "You are just setting them up for failure" was a common complaint of juvenile justice professionals whose vision of a restitution program consisted of court-ordered restitution in which the youth was left entirely to his or her own devices to comply with the order.

These issues have been largely laid to rest. The national evaluation of juvenile restitution programs undertaken in conjunction with the OJJDP initiative showed that, on the average, juvenile offenders repaid 75 percent of the dollar amounts ordered by juvenile courts, and more than 85 percent of juveniles complied in full with restitution requirements. Ninety percent of the restitution paid came from the youth themselves; only 8 percent came from parents and 2 percent from other sources (Schneider et al. 1982; Schneider and Warner 1987).

The ability to complete restitution successfully was fairly well distributed across social, racial, and economic groups. Successful completion rates, for example, were not related to age, race, sex, or parents' educational status. Juveniles from families with incomes over $20,000, however, had completion rates of 92 percent, compared with completion rates of 81 percent for children from families with earnings under $6,000 (Griffith, Schneider, and Schneider 1982).

Data from the national evaluation also revealed that youth with prior offenses were slightly less likely to complete

restitution requirements, but even these youth had relatively high completion rates. Youth with no prior offenses averaged 90 percent completion rates, but those with six or more prior offenses had a completion rate of 77 percent.

Restitution and recidivism

Another issue affecting the use of restitution is its effect on recidivism and whether it is effective for serious offenders. Several studies in the 1970's and 1980's found that juveniles in restitution groups have done as well or better than comparison groups, which included juveniles placed on probation or juveniles serving detention sanctions (Bonta et al. 1982; Galaway and Hudson 1978; Heinz, Galaway, and Hudson 1976; Hudson and Chesney 1978; A. Schneider 1986).

The national evaluation of juvenile restitution programs provided carefully controlled studies of the effects on recidivism involving experimental designs with random assignment between restitution and other conditions in juvenile courts. Four direct comparisons were studied:

- In Washington, D.C., serious juvenile offenders, all of whom were minority youth, were randomly selected for a restitution program featuring victim-offender mediation or a traditional probation program.

- In Oklahoma County, juveniles were randomly selected for sole sanction restitution (involving no probation requirements), restitution as part of the probation program, and traditional probation.

- The Boise, Idaho, court identified a group of juveniles eligible for short-term (weekend) local detention sentences and then randomly selected juveniles from this group for an alternative restitution program.

- In Clayton County, Georgia, a group of eligible juveniles were randomly divided into three groups: restitution, probation, and a restitution counseling combination.

In three of the four programs in which restitution was compared with a nonrestitution alternative, the youth randomly selected for restitution had lower recidivism rates during the 3-year followup period than did juveniles in the control group, and the differences were statistically significant at .05 in two of the courts and at .27 in the other (see Table 8). In all three of these courts, the annual offense rates of the youth decreased after their participation in the programs, showing that restitution had a clear suppression effect on delinquency.

Table 8. Effect of Restitution on Recidivism of Juvenile Offenders[1]

Site	No. Cases	Months of Followup	Prevalence %	Annual Incident Rate per 100 Youths[2] Pre-	Post-
Boise, Idaho					
Restitution	86	22	53	103	86
Detention	95	22	59	137	100
Washington, D.C.					
Restitution	143	32	53	61	54
Restitution refused[3]	131	31	55	62	52
Probation	137	31	63	61	65
Clayton County, Georgia					
Restitution	73	35	49	101	74
Restn. & couns.	74	35	46	55	47
Prob. & couns.	55	36	60	64	84
Probation	55	37	52	75	75
Oklahoma County					
Sole sanction restitution	104	23	49	66	72
Restn. & prob.	116	24	50	56	64
Probation	78	24	52	75	74

[1] More information about the findings and design is reported in "Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies." *Criminology* 24(3), A. Schneider, 1986, pp. 533–552. In all sites the information on prior and subsequent offenses was based on an official records search of juvenile and adult court referrals.

[2] Tests of significance show statistically significant effects in the prevalence rates in Boise and in all measures of recidivism for Washington, D.C., and Clayton County. None of the differences in Oklahoma County was significant.

[3] These youths were "crossovers" who should have been in the restitution program but who were permitted to refuse. In the other sites, the "crossovers" were fewer than 5 percent and were placed in the group to which they were assigned, even if they did not receive that disposition for purposes of statistical analysis.

In Washington, D.C., for example, the juvenile restitution program prevented an estimated seven crimes per year for every 100 juveniles in the program, whereas the control group (probation) was associated with an estimated four additional crimes per year for every 100 juveniles in the program. In this case, restitution comparatively spared 11 crimes per year per 100 juveniles.

The results were even more dramatic in Clayton County, Georgia. The restitution program there showed a suppression effect of 27 crimes per year for every 100 juveniles; probation showed no change at all, and probation combined with mental health counseling showed an acceleration of delinquency from 64 crimes to 84 crimes per 100 youth per year. Again, these findings are impressive because cases were randomly assigned to the experimental (restitution) and control (probation) groups. This ensured against results being contingent upon selection biases or "creaming."

In the Oklahoma County experiment, no differences were found among any of the groups, and none of the programs had a suppression effect.

Ad hoc restitution programs, however, have not shown similar results. Research comparing formal restitution programs with the informal use of restitution suggests that completion rates are much lower in the latter situation. Some courts simply order restitution without establishing any procedures, staff, or formal program to implement the orders.

A study in Dane County, Wisconsin, found that successful completion rates in the ad hoc approach were 45 percent, compared with 91 percent for cases handled through a formal program (Schneider and Schneider 1984). This same study demonstrated the importance of successful completion in reducing recidivism rates: those who successfully completed the program committed approximately 30 percent fewer crimes per year than those who were unsuccessful. This research implies that restitution may have a positive impact on recidivism and delinquency, but informal programs are unlikely to have such an effect, and not all formal programs reduce delinquency. Program design is the critical variable. Strong programs may have an impact; weak or informal ones probably will not.

Additional research, however, is needed to identify programs that reduce recidivism and to better understand how restitution affects attitudes and perceptions of juveniles. For example, reduced recidivism might be achieved because the work involved in making the money to meet the restitution payments occupies much of the juvenile's time. It disrupts relationships with delinquent peers, alters old behavior patterns, exposes the juvenile to nondelinquent adults, and provides an opportunity for success in the world of work. In short, it may serve as a form of intensive probation—one that also offers opportunity for the youth to make restitution to the victim.

Restitution may be less stigmatizing than most other sanctions, and it may enhance the juvenile's understanding of the true consequences of crime, eliminate rationalization (an attitude of "the victim deserved it"), and deter delinquent acts because juveniles perceive it as a more severe penalty than probation.

The power of restitution may be in its message—one of accountability, fairness, and justice. By affirming the moral basis of the law and emphasizing that persons who commit crimes should be held accountable, restitution may increase commitment to a moral order, which may have an impact on recidivism.

Strategies for successful restitution programs

Although restitution has made an impressive beginning in the juvenile justice systems of the United States, there are reasons to be concerned about the future of restitution dispositions in juvenile courts.

A primary concern is that jurisdictions will use restitution in an ad hoc rather than in a programmatic manner, which certainly will not have the kind of impact on the future behavior of juvenile offenders that has been demonstrated with formal programs. There is no evidence that informal programs or those that simply transfer money from offenders to victims (insurance models) have any effect on delinquency, and there is substantial reason to believe that failure rates will be high. The study in Wisconsin suggests that the

ability to complete restitution requirements successfully is an important factor in reducing delinquency.

Another concern directed at restitution programs generally is that there may be a race or class bias built into the nature of this disposition. If eligibility for restitution is based on the apparent ability of the youth to repay the victim, and if minorities and juveniles from poor families are viewed as less able to pay restitution, then this disposition may become the sanction of choice for white, middle-class offenders. The extent to which this is a problem is not known. In the national juvenile restitution initiative, approximately 20 percent of the referrals were black, and, in communities with substantial minority populations, the racial and class proportions referred to the program reflected the proportion of court intakes.

A final concern revolves around legal liability issues and work employment for juveniles under the age of 16.

Many current restitution programs have addressed these concerns by careful program design. Although there are many ways to organize and administer restitution, it appears to be important to develop a formal structure and to have at least one individual responsible for coordinating the different aspects of the program.

Probation officers in many locales handle case work and supervision, but they need to be aware of the differences between restitution and traditional social and psychological counseling approaches and understand the philosophical basis of restitution. Such individuals must develop a sense of ownership in restitution programs and an innovativeness in their own approaches. Flexibility and change are the cornerstones of restitution programming, and approaches must continue evolving as conditions change.

The potential race and class biases have been overcome in two ways. First, many programs have broad entry criteria that are based largely on the characteristics of the case rather than on the characteristics of the juvenile. In these programs the ability to pay or likelihood of obtaining a community service position are not criteria for inclusion into the restitution program; nor does the court screen out cases solely on the basis of a perceived inability to pay or to obtain community work service positions. Instead, these courts have developed programs that increase the probability of success for the high-risk groups, including those who might be perceived as less likely to obtain paid or unpaid employment. Almost all restitution programs develop community service components to ensure that juveniles unable to find paying positions and who lack resources to pay restitution can participate in the program. Most of the federally funded programs, in fact, would prohibit parents from paying unless arrangements were made for the offender to repay their parents under court supervision.

Another strategy for making restitution programs more successful for high-risk groups is to subsidize the work of juveniles who otherwise would have trouble finding employment. These children are placed in private nonprofit organizations or public agencies or on supervised work crews, and part (or all) of their wages are paid from the restitution program. Data from the national evaluation of such programs showed that the probability of success increased by approximately 2 percent for all cases if subsidies were used and by approximately 28 percent for the highest risk group: poor, nonwhite chronic offenders with large orders (Griffith 1983).

Although liability issues continue to arise, many programs have liability insurance to protect juveniles, worksites, and the programs against possible losses from lawsuits arising as a result of court-ordered restitution. A few jurisdictions, however, have not used restitution for fear of liability for crimes committed by youth at worksites or for injuries to youth. Most programs emphasize supervision and careful placement to reduce risks.

Restitution programs cannot cure all the problems of juvenile justice systems, but there are reasons to be optimistic. Restitution, with its emphasis on accountability, responsibility, and justice, may offer an alternative for juvenile courts that can forestall a shift toward punishment and increase the effectiveness of the juvenile justice system.

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